IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4014 OF 1992

Smt. Rahimatbi Ismailsaheb Mujawar, Petitioner
Vs
Shankar Mahadeo Katakdhond and Anr. Respondents

Mr P.N.Karlekar, for the petitioner.
Mr Kishor R.Jagdale, for respondent nos 1 and 2.

CORAM : D.B.BHOSALE, J.

DATE : FEBRUARY 17, 2005.

P.C.

1. Heard Mr Karlekar, learned counsel for the petitioner.

2. Mr Karlekar, learned counsel for the petitioner after arguing this matter for some time, fairly stated that in view of the concurrent findings recorded by the Courts below holding that the suit structure does not exist and it was demolished in pursuance of the notice issued by the Municipal Corporation, I need not examine the merits of the case. He further submits that the petitioner would be satisfied if she is given liberty to assert her right in the premises/land, where the tenement, consisting of two rooms, was situated in which she was admittedly a tenant, as and when the landlord proposes to construct the building /structure on the plot where the tenement was situated in

accordance with law. After having perused the impugned judgment and having heard the submissions of Mr Karlekar, I am satisfied that the following order will meet the ends of justice. (a) It is open for the petitioner to assert her right in the suit premises/land where the suit premises was situated and which was demolished in pursuance of the notice of the Municipal Corporation dated 13.6.1983 either by giving notice to the landlord or approaching the appropriate forum for appropriate relief in accordance with law.

(ii) All contentions in so far as right of the tenant to claim possession under the provisions of the Rent Act are left open.

(iii) The writ petition, accordingly, stands disposed of. Rule is discharged.

(D.B.Bhosale, J.)